

DOCKET NO: 292044US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
SHINICHIRO TAKASHIMA, ET AL. : EXAMINER: THAKUR, VIREN A  
SERIAL NO: 10/581,200 :  
FILED: JUNE 1, 2006 : GROUP ART UNIT: 1782  
FOR: PACKAGE DRINK :

SECOND DECLARATION UNDER 37 C.F.R. §1.132

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Hitoshi Sato, declare and state as follows:

1. I am the same Hitoshi Sato who executed a Declaration dated December 21, 2010 (first Sato Declaration), in the above-identified application.

2. I am familiar with the claims, and have read the Office Action mailed February 22, 2011, in the above-identified application.

3. The following experiments were conducted by me or under my direct supervision and control.

4. Two new comparative examples, labeled Additional comparative Example 1 and Additional comparative Example 2, respectively, were prepared, analogously to the preparation of Example 1 as described in the specification of the above-identified application, except that Additional comparative Example 1 had an activated carbon: acid clay ratio of 1:0.5, and Additional comparative Example 2 had an activated carbon: acid clay ratio of 1:1.5. The

Addition comparative Examples were assessed in the same manner as described in the specification for Example 1, and as detailed at Table 1. In addition, Example 1 and the Addition comparative Examples were assessed for yield of non-polymer catechins and for tastes and flavors.

5. Tastes and flavors were evaluated as follows:

Each purified green tea extract was diluted with deionized water to the concentration of non-polymer catechins to 175mg/100mL. By five male assessors, its tastes and flavors (unusual smell, coarse taste and earthy smell) were assessed in accordance with the below-described standards:

A : Hardly sensed

B : Somewhat hardly sensed

C : Slightly sensed

D : Sensed

6. The data are attached herewith.

7. While the above data were generated using acid clay as the clay component, I believe that similar results would be obtained using activated clay. My basis for this belief is that the data presented by me in the first Sato Declaration, particularly Additional Example 5 thereof, when compared to Example 1 described in the specification, are the same or substantially the same, the only difference in treatment being the use of activated clay or acid clay, respectively.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

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Second Declaration under 37 C.F.R. §1.132

9. Further declarant saith not.

Hitoshi Sato  
Signature

May, 13, 2011  
Date

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Declaration under 37 CFR 1.132

	Example 1 in the present application	Additional comparative Example 1	Additional comparative Example 2
Solid green tea extract (g) (POLYPHENON HG product of Tokyo Food Techno CO., LTD)	200	200	200
Ethanol (g)	760	760	760
Water (g)	40	40	40
Activated Carbon (g) (KURARAYCOAL GLC product of Kuraray Chemical K.K.)	20	20	20
Acid Clay (MIZUKA ACE#600, product of Mizusawa Chemical Industries, Ltd.)	100	10	300
Activated carbon : acid clay or activated clay (weight ratio)	1 : 5	1 : 0.5	1 : 15
Organic solvent / Water (weight ratio)	95/5	95/5	95/5
Acid clay or activated clay in solvent (wt%)	12.5%	1.3%	37.5%
Non-polymer catechins / caffeine after treatment (weight ratio)	33.0	16.9	815.4
Gallates percentage of non-polymer catechins after treatment (wt%)	51.0	50.0	51.4
Gallocatechins percentage of non-polymer catechins after treatment (wt%)	74.9	77.3	78.4
Concentration of non-polymer catechins in solid after treatment (wt%)	66	63	68
Yield of non-polymer catechins (%)	65	39	60
Absorbance (-)	0.038	0.039	0.033
Tastes and flavors	Unusual smell	A	A
	Coarse taste	A	A
	Earthy smell	A	C
Assesment of purified products			
	Caffeine content was lowered, color was good, and stability was visually good.	Caffeine content was not lowered, tastes and flavors were not good, and yield of non-polymer catechins was lowered.	Tastes and flavors were not good, and yield of non-polymer catechins was lowered.